

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322
New State Building
Honolulu, Hawaii

Approved
Nov. 14, 1977

July 7, 1977 - 9:30 a.m.

COMMISSIONERS PRESENT: Stanley Sakahashi, Chairman
Charles Duke
Colette Machado
Shinsei Miyasato
Shinichi Nakagawa
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: James Carras

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Dora Horikawa, Clerk Reporter
Ray Russell, Court Reporter

A76-411 - MCBRYDE SUGAR COMPANY, LTD.
ORDER MODIFYING AND AMENDING CONDITION OF DECISION AND ORDER

Mr. Francis Izumi, attorney representing the petitioner, submitted that there was an error in the buy-back provision in the declaration which was incorporated as a condition in the Commission's Decision and Order. Therefore, he had restated the buy-back provision as set forth in the Motion to Modify. He further submitted that DPED and the Kauai Planning Department, parties to the proceedings, have joined in the motion and were satisfied with the reasons and justification for the motion.

Mr. Izumi elaborated on the details of the discrepancy that his motion proposed to correct, dealing primarily with the buy-back provision.

Commissioner Duke moved that the modification be incorporated in the Decision and Order as corrected by the document submitted by the petitioner. The motion was seconded by Commissioner Whitesell and unanimously carried.

DISCUSSION TO REQUEST OPINION FROM ATTORNEY GENERAL RE PERMISSIBILITY OF RESIDENCES IN THE AGRICULTURAL DISTRICT

Mr. Marsh noted that although there already existed an Attorney General's opinion regarding uses within the Agricultural District, he agreed that it might be fitting to issue another opinion, focusing on the single issue of whether or not a residence, which is not a farm dwelling, is permitted in the Agricultural District. He agreed to do this in the near future.

A76-418 - MOANA CORPORATION
Response to Conditions

The following documents were reviewed by the Commission in considering comments and responses submitted by all parties to this docket regarding the conditions contained in the Land Use Commission's Decision and Order:

1. Comments from Walton Hong, Attorney for petitioner
2. Comments from Teresa Tico, Attorney for intervenors
3. Letter from Michael J. Belles, Second Deputy County Attorney, representing Kauai Planning Department

As a result of the discussion among the parties and the Commission members, the following action transpired:

1. Mr. Hong withdrew his comment 1.
2. Mr. Hong's comments 2 and 3 were typos over which there were no objections

In response to Miss Tico's objection, based on her contention that there were no written conditions in the Order, Mr. Marsh explained that the substance of the matter on pages 35 through 38 in the Decision and Order were conditions--only different in form but not in substance.

Mr. Hong stated for the record that the petitioner fully intended to live up to the conditions as enumerated in the Decision and Order.

Miss Tico agreed to withdraw her objections to this and the other matters enumerated in her comments.

Commissioner Duke moved to deny all of the Intervenor's request to change certain conditions in the Decision and Order. The motion was seconded by Commissioner Whitesell and carried with the following votes:

Ayes: Commissioners Oura, Yanai, Miyasato, Whitesell, Duke, Chairman Sakahashi

ADDITION TO THE AGENDA

Commissioner Duke moved that the Commission go into executive session for the purpose of discussing Windward Partners petition, particularly the legal aspects of the proposal made by former Chairman Tangen. Commissioner Machado seconded the motion and the motion was passed as follows:

Ayes: Commissioners Miyasato, Duke, Machado, Yanai, Oura, Nakagawa, Whitesell, Chairman Sakahashi

The Commission was in executive session from 11:30 a.m. to 12:45 p.m.

The meeting was adjourned at 12:46 p.m.